

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE  
DISTRICT OF TENNESSEE

2011 DEC 14 PM 3:21

U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TN

HOLLY POTTS )

Plaintiff, )

)

)

Civil Action No.

8:11cv1180

v. )

DOLLAR TREE STORES INC., )

CARL CAIN, )

Defendants. )

COMPLAINT

Comes now the Plaintiff, Holly Potts, by and through her attorney and files this complaint, stating claims for relief as follows:

I. JURISDICTION AND VENUE

1.2 This is an action under the laws of the United States of America, in particular Title VII of the Civil Rights Act of 1964, as amended and in violation of the Equal Pay Act.

1.3 The jurisdiction of this Court is invoked pursuant to the provisions of Title VII, 42 USCA 2000e-2 (a) and 2000e-3(a) and the general civil jurisdictional provisions of 28 USCA 1343(a)(4).

1.4 Plaintiff was given a right to sue letter by the EEOC on September 16, 2011.

## II. NATURE OF THE ACTION AND RELIEF SOUGHT

2.1 This is an employment discrimination case by an employee alleging a series of discriminatory conduct against her because of her gender and having complained about unlawful discrimination to her superiors at her employer.

2.2 Plaintiff seeks a declaration that the acts of the Defendants intentionally and unlawfully discriminated against her because of her gender and in retaliation for notifying her superior about the unlawful treatment, and the Defendant seeks lost pay, compensatory and punitive damages.

## III. The Parties

3.1 Holly Potts, Plaintiff, is an adult female citizen of the United States and the State of Tennessee, and all times material to this action was an employee of the Defendant, Dollar Tree Stores, Inc.

3.2 Defendant Dollar Tree Stores, Inc. is a company with its headquarters at 500 Volvo Parkway, Chesapeake, VA 23320, that operates retail stores in the State of Tennessee and throughout the Middle District of Tennessee. Its registered agent for service is CT Corporation System 800 S. Gay Street, Suite 2021, Knoxville, TN 37929. Dollar Tree Stores is the appropriate entity to be named as a defendant in an action involving the acts, inactions and omissions of its agents, servants and employees.

3.3 Defendant Carl Cain is a former employee with Dollar Tree Stores, Inc. and is believed to be a resident of the State of Tennessee. His address for service is 7316 Smoky Hill Road, Antioch, TN 37013.

#### IV. FACTS

4.1 Plaintiff was hired by the Defendant Dollar Tree Stores, Inc. as a store manager in training.

4.2 Plaintiff was subsequently assigned as a store manager for the Defendant Dollar Tree Stores, Inc.

4.3 Plaintiff was promoted to the position of Area Manager for the Defendant Dollar Tree Stores, Inc. on January 12, 2009.

4.4 Plaintiff was promised that she would be given a company vehicle and a company issued gas card as a result of her promotion. She was told that she would be eligible for bonus money.

4.5 Defendant Carl Cain was the regional manager for the Defendant Dollar Tree Stores, Inc. who supervised the Plaintiff.

4.6 Plaintiff was one of two area managers but was the only female area manager in the district.

4.7 Plaintiff was not given a company gas card or a company vehicle initially although her male counterpart was given both.

4.8 Plaintiff was discriminated against by both Defendants because she was female and because she was not given a gas card and vehicle that was promised to her but was given to her male counterpart.

4.9 Defendant Carl Cain ordered Plaintiff to not seek help from her supervisor but allowed her male counterpart to seek and utilize assistance from his supervisor.

4.10 Said conduct constitutes discrimination based upon Plaintiff's gender.

4.11 After Plaintiff was told to use her personal vehicle for company business instead of being assigned a company vehicle, Defendant Carl Cain told the Plaintiff too misstate her mileage reimbursement so that she would not receive compensation that she was entitled to receive.

4.12 Plaintiff, because she was a female, was assigned lesser volume stores than her male counterpart resulting in less compensation received.

4.13 Plaintiff was eventually provided a company vehicle but it was not of the same quality of her male counterpart.

4.14 Plaintiff was eligible for a three percent raise but instead was given a one percent raise after Defendant Carl Cain intervened and directed that her raise be less.

4.15 Plaintiff reported her allegations of sexual discrimination to the human resource department of the Defendant Dollar Tree Stores, Inc.

4.16 Defendant Dollar Tree Stores, Inc.'s human resource department employee, Barbara Leonard, notified Defendant Carl Cain of Plaintiff's allegations after stating that the discussion would be held confidential.

4.17 Barbara Leonard told Plaintiff that she would not ask for a larger raise for the Plaintiff because the Plaintiff "threw Carl Cain under the bus".

4.18 Defendant Carl Cain then told the Plaintiff that he was aware that someone had reported him to the Human Resource department and that it would do no good to report him.

4.19 Defendant Carl Cain began a systematic pattern of harassment by repeatedly showing up at the store where the Plaintiff was told to remain despite only appearing there once in the previous two years.

4.20 Defendant Carl Cain informed the Plaintiff that he was aware that she was the one who had reported him to Human Resources and that he would deal with her one on one.

4.21 In October 2009, Defendant Carl Cain and Defendant Dollar Tree Stores, Inc. eliminated Plaintiff's position but kept the position of her male counterpart.

4.22 Defendant Carl Cain again threatened Plaintiff with retaliation and continued to treat her rudely.

4.23 Plaintiff reported Defendant Carl Cain to the Human Resource Department of the Defendant Dollar Tree Stores, Inc. and was treated rudely.

4.24 Plaintiff was forced to see a medical doctor as a result of her stress and pain due to the stress related to her working conditions and the treatment of the Defendant Carl Cain and was advised to resign for her health.

4.25 Defendant Carl Cain is an agent of the Defendant Dollar Tree Stores, Inc. and was acting in his capacity as an agent for Dollar Tree Stores, Inc.

## V. CLAIM FOR RELIEF

5.1 Employment Discrimination pursuant to the Civil Rights Act of 1964 as amended and under the Equal Pay Act.

Defendant Carl Cain and Dollar Tree Stores, Inc. discriminated against the Plaintiff because she was a female by providing her with lower wages and benefits and harsher working conditions than her male counterpart and because she reported the unlawful discrimination to her superior, all in violation of Title VII of Civil Rights Act of 1964 as amended in 1991 and the Equal Pay Act.

## VI. PRAYER

Accordingly, Plaintiff prays that the Defendants be cited to appear and answer in this action and that upon the evidence, finding of the jury and applicable law, the Court enter judgment:

6.1 That process be issued to and served upon the Defendants.

6.2 That the Defendant be ordered to pay all of the Plaintiff's discretionary costs and other recoverable costs and expenses.

6.3 Declaring that the Defendants discriminated against the Plaintiff by discriminating against her in her employment because she is a female.

6.4 Awarding Plaintiff back pay and compensatory damages not to exceed \$1,000,000.00.

6.5 Awarding Plaintiff punitive damages to be set by the jury.

6.6 Awarding Plaintiff a reasonable attorney fee and the cost and expenses of this action.

6.7 That a jury of 12 be impaneled to resolve all causes described in the above-styled action.

6.8 All other relief to which Plaintiff shows herself entitled at law or equity.

#### JURY TRIAL DEMAND

The Plaintiff requests a jury trial on all questions of fact raised by her Complaint.

Respectfully submitted,



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